

FILED  
Clerk  
District Court

JAN 10 2007

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

ANTONIO S. CAMACHO,

Plaintiffs

v.

COMMONWEALTH OF THE  
NORTHERN MARIANA ISLANDS,  
et al.,

Defendants

Civil Action No. 05-0043

ORDER DENYING MOTION  
TO AMEND AWARD OF COSTS

THIS MATTER is before the court on plaintiff's January 9, 2007, motion to amend the court's December 22, 2006, order regarding costs. In the interests of conserving the resources of the court and the parties, the court will decide the motion without the necessity of a filing by defendants or a hearing.

Title 28 U.S.C. § 1920 specifies which costs are recoverable by the prevailing party. Plaintiff urges upon this court an expansive reading of § 1920, a view which

1 finds some limited support in the decisions of the U.S. Court of Appeals for the  
2 Ninth Circuit. *See e.g. Maxwell v. Hapag-Lloyd Aktiengesellschaft*, 862 F.2d 767 (9th  
3 Cir. 1988) (“We recognize that Crawford strictly limits reimbursable costs to those  
4 enumerated in § 1920. We hold only that the common meaning of the phrase  
5 ‘exemplification and copies of papers’ may under certain circumstances encompass  
6 illustrative materials if *necessarily* obtained for use in the case, as § 1920 requires.”  
7 (emphasis in original)).  
8

9  
10 This court is constrained in the awarding of costs by the decision of the  
11 United States Supreme Court in Crawford Fitting Company v. J.T. Gibbons, Inc.,  
12 482 U.S. 437, 107 S.Ct. 2494 (1987). There, the Court, in refusing to accept the  
13 argument that § 1920 does not preclude taxation of costs above and beyond the  
14 items listed, stated that the discretion to award costs afforded judges by  
15 Fed.R.Civ.P. 54(d) is limited by the specific terms of 28 U.S.C. § 1920: “Section  
16 1920 enumerates expenses that a federal court may tax as a cost under the  
17 discretionary authority found in Rule 54(d). \* \* \* It is phrased permissively because  
18 Rule 54(d) generally grants a federal court discretion to refuse to tax costs in favor  
19 of a prevailing party.”  
20  
21  
22

23 While the charts and diagrams prepared for use by plaintiff were undeniably  
24 useful in the presentation of his case, the court does not believe it can characterize  
25 them as *necessary* for use in the trial. Accordingly, plaintiff’s motion to amend the bill  
26

1 of costs is denied and the sum of \$1,352.50 previously awarded in an exercise of this  
2 court's discretion under Fed.R.Civ.P. 54(d) shall remain unchanged.

3  
4 DATED this 10th day of January, 2007.

5  
6  
7 

8 ALEX R. MUNSON

9 Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26